

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JODY L. SAMUEL,

Plaintiff,

v.

ORDER
09-CV-381A

TOWN OF CHEEKTOWAGA, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 25, 2009, Magistrate Judge Foschio filed a Report and Recommendation, recommending that the matter be remanded to New York Supreme Court, Erie County with an award of costs, including attorneys' fees made to plaintiff who is directed to file an affidavit of costs and attorneys fees incurred in connection with this motion.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the matter is remanded to New York Supreme Court, Erie County. Plaintiff is hereby awarded costs, including attorneys' fees and shall file an affidavit of costs and attorneys' fees incurred in connection with this motion.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 16, 2009